

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Employees with Food Allergies

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Employment Policy, U.S. Department of Labor

Preface

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JAN'S Accommodation and Compliance Series

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://askjan.org/soar>.

Information about Food Allergy

A food allergy occurs when a person's immune system decides that a particular food is harmful and so creates specific antibodies to it. The next time the individual is exposed to that food, the immune system releases massive amounts of chemicals to protect the body. These chemicals trigger a cascade of allergic symptoms that can affect the respiratory system, gastrointestinal tract, skin, or cardiovascular system. Symptoms range from a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, drop in blood pressure, and loss of consciousness to death. Symptoms typically appear within minutes to two hours after the person has eaten the food to which he or she is allergic.

Although a person can be allergic to any food, there are eight foods that account for most of all food allergy reactions. These are milk, eggs, peanuts, tree nuts, fish, shellfish, soy, and wheat. Currently, there are no medications that cure food allergies. Strict avoidance of the allergy-causing food is the only way to avoid a reaction.

Food Allergy and the Americans with Disabilities Act

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet. A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having an impairment. For more information about how to determine whether a person

has a disability under the ADA, see [How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act \(ADAAA\)](#).

Accommodating Employees with Food Allergy

People with food allergies may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with arthritis will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

General Accommodation Considerations

Implement a Policy Restricting Certain Foods from the Workplace

Note: While implementing policies restricting certain foods is not fail-safe, it may help to reduce exposure.

- Post signs at entrances to the building and in hallways, restrooms, waiting rooms, classrooms, and cafeterias alerting people that certain foods are restricted due to a severe food allergy.
- Send memos to employees mentioning that if a person has eaten the offending food to let others know so the proper precautions may be taken. Some allergic reactions have occurred when a person has contact with someone who has eaten an offending food.
- Send occasional memos encouraging compliance with the policy.
- Enforce the policy with consequences for violations.

Sample Policy Language

- Memo to staff: "You may have noticed the signs up on the front door stating that this is a peanut and tree nut-free workplace. Please cooperate with this request because there are several of us on staff who are sensitive to peanuts and tree nuts to varying degrees. Our bodies have a hard time when we come into contact with these foods, and they may even cause anaphylaxis or death. If you have consumed peanuts, tree nuts, or other foods containing these products, please let [the receptionist, the manager, the HR person, etc.] know so we can take appropriate precautions."
- Sign posted at business entrance: "This is a peanut and tree nut-free office. Please help us to accommodate our co-workers and clients who are allergic to these foods. Thank you for not bringing these items into the workplace."

Modify Workplace Policies

- Allow employee to eat at his/her desk or in his/her office or allow extra time during lunch so the employee may go home to eat.
- Permit flexible scheduling so the employee with a food allergy may work when less people are present in the workplace to decrease possible exposure.

- Relocate employee's workspace to reduce possibility of exposure to offending foods.

Traveling for Work

- Research current airline policies regarding snacks served on the plane; some airlines do not serve peanut snacks.
- Allow employees who travel for work to stay overnight in hotels with refrigerators in the rooms so they may bring their own food.

Recurrent Need for Medical Intervention

- Permit flexible scheduling.
- Allow a self-paced workload with flexible hours.
- Provide time off for medical appointments.
- Consider work from home.
- Allow additional unpaid leave if employee exhausts accrued time off.

Create an Emergency Plan of Action

- Conduct a training session to educate employees on food allergies.
- Discuss the proper steps to take in an emergency situation, e.g., how to call 911.
- Discuss the signs and symptoms of an anaphylactic reaction, which may include a tingling sensation in the mouth, swelling of the tongue and the throat, difficulty breathing, hives, vomiting, abdominal cramps, diarrhea, dizziness, and loss of consciousness.
- Allow an employee to keep medication with him/her at all times.
- Note that an employee with a food allergy may wear a medical alert necklace or bracelet.

Questions to Consider:

1. What limitations is the employee experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training?

Accommodation Ideas:

Limitations

Coughing Excessively

- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Noise Abatement
- Policy Modification
- Telework, Work from Home, Working Remotely
- Worksite Redesign / Modified Workspace

Dietary Needs

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Policy Modification

Dizziness

- Alternative Lighting
- Fall Protection
- Flexible Schedule
- Modified Break Schedule
- Padded Edging
- Personal Safety and Fall Alert Devices
- Protective Eyewear
- Rollators and Rolling Walkers
- Scooters
- Telework, Work from Home, Working Remotely

Headache

- Air Cleaners & Purifiers
- Alternative Lighting
- Anti-Glare Filters for Fluorescent Lights
- Cubicle Doors, Shields, and Shades

- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Full Spectrum or Natural Lighting Products
- Job Restructuring
- Lighting Gel Filters
- Marginal Functions
- Modified Break Schedule
- Non-Fluorescent Lighting
- Task Lighting
- Telework, Work from Home, Working Remotely

Nausea

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Telework, Work from Home, Working Remotely

Respiratory Distress/Breathing Problem

- Air Cleaners & Purifiers
- Air Purifiers for Multiple Chemical Sensitivity
- Masks - Smoke Allergy
- Odor/Fragrance/Chemical Masks
- Personal Air Cleaner (Neckworn)
- Powered Air Purifying Respirator (PAPR)
- Respirator Masks

Skin Rash/Blisters/Sores

- Alternative Cleaning Supplies
- Disability Awareness/Etiquette Training
- Job Restructuring
- Policy Modification

Work-Related Functions

Air Quality/Irritants

- Air Cleaners & Purifiers
- Air Cleaners - Chemical/Odor Removal
- Air Cleaning Systems
- Air Purifiers for Multiple Chemical Sensitivity
- Alternative Cleaning Supplies
- Carpet Alternatives, Sealants, and Sustainable Flooring
- Flexible Schedule
- Floor Cleaning/Stripping Products - Chemical Sensitivity
- Low/No Odor Paints and Stains
- Masks - Smoke Allergy
- Odor/Fragrance/Chemical Masks
- Powered Air Purifying Respirator (PAPR)
- Respirator Masks
- Telework, Work from Home, Working Remotely

Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <http://askjan.org/soar> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
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Toll Free: (800) 526-7234
TTY: (304) 293-7186
Fax: (304) 293-5407
jan@askjan.org
<http://AskJAN.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue,
NW, Room S-1303
Washington, DC 20210
Toll Free: (866) 633-7365
odep@dol.gov
<http://dol.gov/odep>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

American Academy of Allergy Asthma & Immunology

555 East Wells Street
Suite 1100
Milwaukee, WI 53202-3823
Direct: (414) 272-6071
info@aaaai.org
<http://www.aaaai.org/home.aspx>

The American Academy of Allergy, Asthma & Immunology is dedicated to the advancement of the knowledge and practice of allergy, asthma and immunology for optimal patient care.

American College of Allergy, Asthma, & Immunology

85 West Algonquin Road
Suite 550
Arlington Heights, IL 60005
Direct: (847) 427-1200
Fax: (847) 427-1294
mail@acaai.org
<http://acaai.org/>

Asthma and Allergy Foundation of America

8201 Corporate Drive
Suite 1000
Landover, MD 20785
Toll Free: (800) 727-8462
info@aafa.org
<http://www.aafa.org/>

The Asthma and Allergy Foundation of America (AAFA) is the premier patient organization dedicated to improving the quality of life for people with asthma and allergies and their caregivers, through education, advocacy and research. AAFA, a not-for-profit organization founded in 1953, provides practical information, community based services, support and referrals through a national network of chapters and educational support groups. AAFA also sponsors research toward better treatments and a cure for asthma and allergic diseases.

Centers for Disease Control and Prevention

1600 Clifton Rd
Atlanta, GA 30333
Toll Free: (800) 232-4636
<http://www.cdc.gov>

The Centers for Disease Control and Prevention are dedicated to protecting the health and safety of people - at home and abroad, providing credible information to enhance health decisions, and promoting health through strong partnerships.

Food Allergy Research & Education

7925 Jones Branch Dr.,
Suite 1100
McLean, VA 22102
Toll Free: (800) 929-4040
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<http://www.foodallergy.org/>

The goal of the Food Allergy and Anaphylaxis Network is to raise public awareness, to provide advocacy and education, and to advance research on behalf of all those affected by food allergies and anaphylaxis.

International Foundation for Functional Gastrointestinal Disorders

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iffgd@iffgd.org
<http://www.iffgd.org/>

The International Foundation for Functional Gastrointestinal Disorders (IFFGD) is a Public Charity designated under the U.S. IRS code 501(c)(3). We are a nonprofit education and research organization dedicated to informing, assisting, and supporting people affected by gastrointestinal (GI) disorders.

Kids With Food Allergies

5049 Swamp Rd, Ste 303
PO Box 554
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Direct: (215) 230-5394
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<http://www.kidswithfoodallergies.org/>

Kids With Food Allergies improves the day-to-day lives of families raising children with food allergies and empower them to create a safe and healthy future for their children.

MedlinePlus

8600 Rockville Pike
Bethesda, MD 20894
custserv@nlm.nih.gov
<https://www.nlm.nih.gov/medlineplus/>

MedlinePlus is the National Institutes of Health's Web site for patients and their families and friends. Produced by the National Library of Medicine, the world's largest medical library, it brings you information about diseases, conditions, and wellness issues in language you can understand. MedlinePlus offers reliable, up-to-date health information, anytime, anywhere, for free.

Created by the U.S. National Library of Medicine

National Center for Biotechnology Information

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pubmedcentral@ncbi.nlm.nih.gov
<http://www.ncbi.nlm.nih.gov/>

MISSION: IMS brings together an international community of health care professionals, researchers, educators, and others to improve care and transform delivery of treatment to those suffering from soft tissue pain through the promotion and exchange of globally recognized research, education, and innovation in patient care.

National Institute of Allergy and Infectious Diseases

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NIAID conducts and supports basic and applied research to better understand, treat, and ultimately prevent infectious, immunologic, and allergic diseases.

National Jewish Health

1400 Jackson Street

Denver, CO 80206

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Direct: (303) 388-4461

<http://www.nationaljewish.org/>

National Jewish Health is known worldwide for treatment of patients with respiratory, cardiac, immune and related disorders, and for groundbreaking medical research. Founded in 1899 as a nonprofit hospital, National Jewish Health remains the only facility in the world dedicated exclusively to these disorders. *U.S. News & World Report* has ranked National Jewish Health as the number one or number two hospital in pulmonology on its Best Hospitals list ever since pulmonology was included in the rankings.

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